

REMARKS

Claims 7, 8 and 9 have been amended herein and new claim 16 has been added. Reconsideration of the present application in view of the amendments to the claims and remarks provided below is respectfully requested.

Claim Rejections under 35 USC 112, Second Paragraph

Claims 8-9 were rejected under 35 USC 112, second paragraph, as being indefinite because claims 8 and 9 depended from canceled claim 6. Claims 8 and 9 have been amended herein to properly depend from claim 7. Thus it is respectfully submitted that the Examiner's rejections have been overcome and should be withdrawn.

The Examiner objected to the terminology "nonwoven material" since the term is used in the claims to encompass plastic films. Without addressing the merits of the Examiner's rejection and without making any admission as to the validity of such rejection, the claims have been amended herein to overcome the Examiner's rejection.

In view of the above, it is submitted that the Examiner's rejections under 35 USC 112, second paragraph have been overcome and should be withdrawn.

Claim Rejections under 35 USC 102 and 35 USC 103

Claims 7-9 were rejected as being anticipated by or, in the alternative, rendered obvious by US 5,454,800 to Hirt et al.. Claim 9 was rejected under 35 USC 103(a) as being unpatentable over Hirt et al.. The Examiner's rejections are respectfully traversed.

Amended claim 7 reads as follows:

7. A material comprising: 1) a first surface and a second surface opposite the first surface, the second surface forming a body facing surface 2) *an adhesive* composition disposed in a pattern *on the first surface of the material*, and 3) a plurality of apertures in said material not patterned with adhesive, wherein *said apertures originate in the second surface* of the material and extend from said first surface to said second surface, and wherein *said apertures are structured and arranged such that sides walls of said apertures protrude away from the second surface and project outward from said first surface*.
(Emphasis Added)

It is respectfully submitted that a close review of the Hirt reference reveals that it fails to disclose the structure recited in claim 7. The Examiner has failed to identify in Hirt ***“an adhesive composition disposed in a pattern on the first surface of the nonwoven material”***. The Examiner appears to contend that “the garment-facing adhesive used to attach the absorbent article to the surrounding garment may comprise one wide strip, two or three narrow strips or a spray pattern (col. 12, lines 5-8)” disclosed in Hirt corresponds to the claimed structure. However, the strips of attachment adhesive 58 and 60 to which the Examiner is referring are located on the baffle 38. That is, the strips of adhesive 58 and 60 in Hirt ***are applied to a different material layer altogether*** than the layer (cover layer 36) in which the apertures are arranged. Conversely, in the claimed invention the adhesive is applied to a first surface of a material layer and the apertures originate in the second surface of the ***same material layer***.

Further, it is submitted that the Examiner has failed to identify any portion of Hirt that discloses apertures that ***“are structured and arranged such that sides walls of said apertures protrude away from the second surface and project outward from said first surface”*** as recited in claim 7.

In view of the above it is respectfully submitted that Hirt et al. fails to disclose and/or render obvious the invention as recited in amended claims 7-9 and new claim 16.

Claims 7-8 were rejected under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Couture-Dorschner et al. (US 5,401,267). Claim 9 was rejected under 35 USC 103(a) as being unpatentable over Couture-Dorschner et al.. The Examiner’s rejections are respectfully traversed.

It is respectfully submitted that a close review of the Couture-Dorschner et al. reference reveals that it fails to disclose the structure recited in claim 7. The Examiner has failed to identify in Couture-Dorschner ***“an adhesive composition disposed in a pattern on the first surface of the nonwoven material”***. The Examiner appears to contend that “the garment-facing adhesive used to attach the absorbent article to the surrounding garment may comprise one wide strip, two or three narrow strips or a spray pattern (col. 7, lines 24-30)” disclosed in Couture-Dorschner et al. corresponds to the claimed structure. However, the adhesive strips 34 and 36 to which the Examiner is referring are located on the baffle 14. That is, the strips of adhesive 34 and 36 in Couture-Dorschner ***are applied to a different***

material layer altogether than layer (cover layer 12) in which the apertures 13 are arranged. Conversely, in the claimed invention the adhesive is applied to a first surface of a material layer and the apertures originate in the second surface of the *same material layer*.

Further, it is submitted that the Examiner has failed to identify any portion Couture-Dorschner et al. that discloses apertures that “*are structured and arranged such that sides walls of said apertures protrude away from the second surface and project outward from said first surface*” as recited in claim 7.

In view of the above it is submitted that Couture-Dorschner et al. fails to disclose and/or render obvious the invention as recited in amended claims 7-9 and new claim 16.

Reconsideration of the application as amended is respectfully requested.

The Examiner is invited to call the applicants’ undersigned representative if any further action will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present Response. In fact, if the claims of the application are not believed to be in full condition for allowance, for any reason, the applicants respectfully request the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

/Paul J. Higgins/

By: _____

Paul J. Higgins
Reg. No. 44,152

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1728
Dated: April 12, 2005